

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB746)

Received: 2/11/2014 Received By: tkuczens
Wanted: As time permits Same as LRB:
For: Evan Goyke (608) 266-0645 By/Representing: Ryan Knocke
May Contact: Drafter: tkuczens
Subject: Courts - immunity liability Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Goyke@legis.wisconsin.gov
Carbon copy (CC) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Liability protections for landowners who provide agritourism opportunities

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 2/11/2014						
/1		jdyer 2/11/2014	rschluet 2/11/2014		lparisi 2/11/2014	lparisi 2/11/2014	

FE Sent For:

<END>

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB746)

Received: **2/11/2014** Received By: **tkuczens**
Wanted: **As time permits** Same as LRB:
For: **Evan Goyke (608) 266-0645** By/Representing: **Ryan Knocke**
May Contact: Drafter: **tkuczens**
Subject: **Courts - immunity liability** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Goyke@legis.wisconsin.gov**
Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

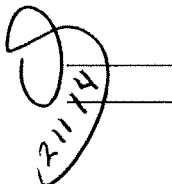
Liability protections for landowners who provide agritourism opportunities ✓

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	tkuczens	1 2/11 ju	jd				
----	----------	-----------	----	---	--	--	--

FE Sent For:

<END>

Kuczenski, Tracy

From: Knocke, Ryan
Sent: Monday, February 10, 2014 2:52 PM
To: Kuczenski, Tracy
Subject: Rep. Goyke Amendment Information

Tracy-

Thank you for taking the time to speak with me earlier! In response to your drafter's questions on my boss's two amendment requests, I spoke with Evan and wanted to provide the clarification below. I hope this is helpful!

- Ryan

Amendment 1: Page 4, Line 19 and 20. Please delete "willful or wanton disregard" and replace with "gross negligence."

Amendment 2: Immunity provisions – Please delete Page 4, Lines 12-22 and replace with language from our bill draft.

Ryan Knocke
Legislative Aide
Office of State Representative Evan Goyke
Telephone: (608) 266-0645

Kuczenski, Tracy

From: Knocke, Ryan
Sent: Monday, February 10, 2014 9:07 AM
To: Kuczenski, Tracy
Subject: Rep. Goyke Amendment Request- LRB 3272/1

Tracy-

I hope this message finds you well. The bill below was sent around for circulation and it is our understanding that it will receive a public hearing and be exec'd on Wednesday. Rep. Goyke has two amendments he wanted to submit regarding this bill. We would need to have these submitted by this time tomorrow morning (I apologize for this rush). Our office previously had a similar draft with Peggy Hurley and that language is referenced below for an amendment idea.

Could these be forwarded for draft? Thank you!

- Ryan

bill is not introduced at this time

- 1.) Remove "willful misconduct" and replace it with "gross negligence" for the level of immunity granted

The bill does not reference willful misconduct

- 2.) Remove "immunity" and replace it with the language in our bill draft, LRB 2106/1, that would prevent subrogation lawsuits from taking place.

*Do you want us to eliminate material from p.3 in 18 - p.4 in 22
i.e. keep sub (3)?
or sub (4)?*

*only 2 or
The entire
rest of bill from
definitions?*

From: Smith-Loomans, Sandra
Sent: Thursday, February 06, 2014 2:58 PM
To: *Legislative Assembly Republicans; *Legislative Assembly Democrats; *Legislative Senate Republicans; *Legislative Senate Democrats
Subject: 24-hour deadline: Co-sponsorship of LRB 3272/1: The Wisconsin Agritourism Promotion Act

To: Legislative Colleagues
From: Representatives Lee Nerison and Travis Tranel
Date: February 6, 2014
Re: Co-Sponsorship of LRB 3272/1; Wisconsin Agritourism Promotion Act

wed 2/12 3:00 pm

Short Deadline: Friday, February 7th at 4:00 p.m.

Less than one percent of our nation's consumers live on farms and many Wisconsinites are four or five generations removed from the day-to-day operations of a farm. Agritourism provides a valuable opportunity for people to experience and understand agriculture. Whether that agritourism experience happens at a pick-your-own fruit farm, pasture walk, at a June Dairy Month breakfast on the farm, or in a corn maze, the goal is the same: to get in touch with the land and gain an appreciation of where our Wisconsin agricultural products come from.

Often, these visitors are new to a farm setting and the inherent risks of agriculture, such as the unpredictable behavior of farms animals. To remove these inherent risks would significantly diminish the agritourism

experience. Agricultural tourism providers are concerned about being sued just for carrying out their day-to-day operations.

At the request of the Wisconsin Agricultural Tourism Association, we are introducing legislation to address potential liability for agricultural tourism providers so they may continue to provide positive agricultural experiences. This bill provides agricultural tourism providers with immunity from civil liability for any injury or death resulting from inherent risks as long as a sign is posted in accordance with the statute. It is important to note that an agricultural tourism provider is not immune from civil liability if a sign is not posted, if the operator intentionally causes a participant's injury or death, or if the operator acts with willful or wanton disregard for the safety of the participant.

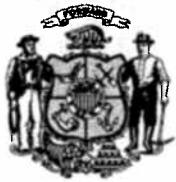
Twenty states, including Alabama, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maine, Mississippi, Missouri, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, and Virginia, have laws similar to this proposal on the books.

If you are interested in co-sponsoring this legislation, please reply to this email or contact Rep. Nerison at 266-3534 or Rep. Tranel at 266-1170 by **4:00 p.m. on Friday, February 7th**.



13-3272_1.pdf

Sandra Smith-Loomans
Clerk, Assembly Committee on Agriculture
Office of Representative Lee Nerison
(608) 266-3534



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1714

TKK JLD
Rmr + Sal
insert

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

**ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 746**

2/11/14 wanted before 3:00 pm

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 18: delete "(a) Subject to par. (b), an" and substitute "An". ✓

3 **2.** Page 3, line 22: delete "1." and substitute "(a)". ✓

4 **3.** Page 3, line 24: delete "2." and substitute "(b)". ✓

5 **4.** Page 4, line 12: delete lines 12 to 22 and substitute: ✓

6 **5.** Page 5, line 7: delete that line and substitute: ✓

7

(END)

Insert
A

Insert
B

INSERT A

BILL

text:
treat

1

2

3

4

5

6

7

8

9

10

11

12

13

14

(2m)

(2)

GENERAL PROHIBITION. No insurer may initiate a civil action against, or otherwise seek compensation from, an agricultural tourism provider for payments the insurer made on behalf of a participant in an agricultural tourism activity if the participant was injured or killed as the result of an inherent risk of an agricultural activity. This subsection does not apply if the participant or his or her estate initiates a civil action against the agricultural tourism provider on his or her own behalf.

(end ins A)

SECTION 2. Initial applicability.

(1) Except as provided in subsection (2), this act first applies to injuries that occur on the effective date of this subsection.

(2) If an insurance policy that is in effect on the effective date of this subsection contains a provision that is inconsistent with this act, this act first applies to an injury that occurs on the date on which the policy is renewed.

(END)

(end ins B)

Insert
AInsert
B